IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

**APPEAL NO. 566 OF 2006**
**IN**
**ARBITRATION PETITION NO. 195 OF 2004**

M/s. Ami Impex .. Appellants.

V/s.

M/s.P.R.Shah Share & Stock Brokers Pvt. Ltd., .. Respondents.

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Mr.D.D.Madon with Mr.Simil Purohit & Mr.I.S.Nankani i/by M/s. Nankani & Associates for the Appellants.

Mr.S.U.Kamdar with Mr.S.K.Jain for the Respondents.

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**CORAM : R.M.LODHA & S.A.BOBDE,JJ.**

**DATED : 25TH AUGUST, 2006.**

**P.C.:**

. Heard Mr.D.D.Madon, senior counsel for the Appellants & Mr.S.U.Kamdar, counsel for the Respondents.

2. After the matter was heard for some time, the counsel for the Respondents submitted that in view of the grievance raised by the Appellants that the learned single Judge did not consider the submission of the Appellants, that the Appellants have not signed any contract note nor they signed any acknowledgment and that the acknowledgment does not bear their signatures, in right perspective, the matter may be remanded back to the learned single Judge for consideration of the

Arbitration Petition afresh.

3. In view thereof, we are satisfied that the order dated 2nd March, 2005 passed by the learned single Judge may be set aside and the Arbitration Petition be restored to the file of the learned single Judge.

4. Hence, the order :-

i) The order dated 2nd March, 2005 is quashed and set aside.

ii) Arbitration Petition No. 196/2004 is restored to the file of the learned single Judge.

iii) Looking to the controversy involved, we request the learned single Judge to hear and decide the Arbitration Petition as expeditiously as may be possible.

iv) All contentions of the parties are kept open to be agitated before the learned single Judge.

5. Appeal is disposed of.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)